

REMARKS

I. STATUS OF CLAIMS

Claims 355-368 are pending in this application. No claim is amended herein.

II. REQUEST FOR INFORMATION UNDER 37 C.F.R. § 1.105

At page 2 of the Office Communication, the Examiner states:

[W]hile the specification at page 12, lines 14-17 states that the polymer which may be used in the composition include the commercial products sold by Arizona Chemical under the names Uniclear 80 and Uniclear 100, applicants' have not supplied such teachings. Therefore, the examiner is requesting that applicants' supply a copy of non-patent literature of which he is aware and upon which he based his specification for consideration by the examiner.

In response, Applicants specifically note that support for claims 355-361, which recite in part, "at least one structuring polymer chosen from ethylenediamine/stearyl dimer tallate copolymer" and claims 362-368, which recite in part, "at least one structuring polymer chosen from ethylenediamine/stearyl dimer dilinoleate copolymer," can be found in the originally filed specification at least on page 12, at lines 14-19, which states:

Non-limiting examples of at least one polyamide polymer which may be used in the composition according to the present invention include the commercial products sold by Arizona Chemical under the names Uniclear 80 and Uniclear 100. These are sold, respectively, in the form of an 80% (in terms of active material) gel in a mineral oil and of a 100% (in terms of active material) gel.

Thus, the specification clearly conveys to one of ordinary skill in the art that Uniclear® 80 is 80% Uniclear® gel in a mineral oil and Uniclear® 100 is 100% Uniclear® gel. In lines 19-24, of page 12, the specification goes on to recite:

These polymers . . . may be mixtures of copolymers derived from monomers of (i) C₃₆ diacids and (ii) ethylenediamine. . .
. . . Terminal ester groups result from esterification of the remaining acid end groups with at least one alcohol chosen from cetyl alcohol and stearyl alcohol.

Id. This description readily conveys an ethylenediamine/stearyl dimer dilinoleate copolymer or an ethylenediamine/stearyl dimer tallate copolymer to one of ordinary skill in the art.

Moreover, although Applicants do not believe it is necessary or legally required, Applicants submit herewith, as Exhibit 1, page 606 of the International Cosmetic Ingredient Dictionary and Handbook ("CTFA"), which recites that ethylenediamine/stearyl dimer dilinoleate copolymer is a copolymer of ethylenediamine and stearyl dimer dilinoleate monomers and further reciting that a trade name for ethylenediamine/stearyl dimer dilinoleate copolymer is Uniclear®. Applicants note that the CTFA only identifies Uniclear® and does not distinguish between Uniclear® 80, Uniclear® 100, Uniclear® 100V, Uniclear® 100VG, or others. The same page also recites that ethylenediamine/stearyl dimer tallate copolymer is a copolymer of ethylenediamine and tall oil dimer acid monomers, end blocked with stearyl alcohol and further recites that a trade name for ethylenediamine/stearyl dimer tallate copolymer is Uniclear®. See Exhibit 1. Again, Applicants note that the CTFA only identifies Uniclear®.

Furthermore, solely in an effort to advance prosecution of this application, Applicants provide the Examiner with a redacted version of confidential proprietary documents from the Assignee company that provides additional evidence that ethylenediamine/stearyl dimer tallate and dilinoleate copolymers were known as Uniclear® prior to the filing date of the present application. See Exhibit 2, Redacted

Proprietary Documents. Applicants do not believe that the requested confidential proprietary documents are either necessary or legally required in the present application.

As discussed above, the specification describes the copolymers known as Uniclear® and necessarily establishes that the copolymers elected were known at the time the application was filed. The supplied information from the CTFA also demonstrates that Uniclear® is the trade name for ethylenediamine/stearyl dimer tallate copolymer and ethylenediamine/stearyl dimer diinoleate copolymer. Finally, the redacted confidential proprietary documents also show that the at least one copolymer claimed was known by those of ordinary skill as Uniclear® at the time of filing of the present application. Accordingly, Applicants submit that claims 355-368 are fully supported by the specification as filed. Accordingly, no new matter was introduced by the previously submitted amendments to claims 355-368.

Applicants believe that by submitting the remarks above and the attachments they have complied with the Examiner's request for information under 37 C.F.R. 1.105. Thus, Applicants respectfully request reconsideration of this application and the timely allowance of the pending claims.

III. COMMONLY ASSIGNED CO-PENDING APPLICATIONS AND PATENTS

In previous submissions, Applicants noted information regarding co-pending applications and patents, including the present application, and submitted copies of the pending claims as of the date of those submissions for every case identified. Applicants submit herewith, as Exhibit 3, a copy of the pending and/or issued claims of Application Nos. 09/733,899, 10/933,431, 10/699,780, 09/749,036, 09/685,578, and 10/918,579,

which have been amended or issued since January 15, 2008. Applicants submit those claims for the Office's convenience in evaluating any potential issues regarding statutory or obviousness-type double patenting.

Please grant any extensions of time required to enter this response and charge any additional required fees to Deposit Account No. 06-0916.

Respectfully submitted,

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GARRETT & DUNNER, L.L.P.

Dated: April 28, 2008

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Attachments:

- Exhibit 1 -** International Cosmetic Ingredient Dictionary and Handbook ("CTFA"), page 606, 9th ed. (2002).
- Exhibit 2 -** Redacted Proprietary Documents
- Exhibit 3 -** 6 Sets of Claims from Co-Pending Applications